

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 299.03472	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IL 03/00221	International filing date (<i>day/month/year</i>) 13.03.2003	Priority date (<i>day/month/year</i>) 13.03.2003
International Patent Classification (IPC) or both national classification and IPC A45D26.00		
Applicant RADIANCY INC. et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 24.03.2004	Date of completion of this report 22.06.2005	
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>		Authorized Officer Maier, M Telephone No. +49 89 2399-2477



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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-16 as originally filed

Claims, Numbers

1-14 filed with telefax on 14.04.2005

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,6,9,12-14
	No: Claims	1-4, 7, 8, 10,11
Inventive step (IS)	Yes: Claims	5,6,9,12-14
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item I

- 1 The amendments filed with the fax dated April 14, 2005 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT. The amendment concerned is the following: the wording "in the structure" in the fourth line of claim 1 has no antecedent, hence introduces an unclarity which was not comprised in the application as originally filed.

Re Item V

- 1 Reference is made to the following documents:

D2: GB 658 068 A

D3: US-A-3 093 724

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-4, 7, 8, 10 and 11 is not new in the sense of Article 33(2) PCT.

The document D3 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (column 1, line 34 - column 2, line 18, figures 1-4, the references in parentheses applying to this document): a hair cutting head, for use in a hair cutting apparatus and having a portion adapted for contacting an area of skin having hair, the head comprising

- a) at least two rows of elongate skin depressing elements (1,2), a space between the ends of said elements defining an opening, said opening being adapted for placement against the skin of a person,
- b) an elongate element (4) situated in the opening and capable of producing heat sufficient to cut hair, when electrified, and
- c) a base on which the elements of the of the head are mounted, wherein long axes of the skin depressing elements are pointed generally toward the center of the opening. The subject-matter of claim 1 is therefore not new (Article 33(2) PCT).

- 3 Dependent claims 2-4, 7, 8, 10 and 11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements

of the PCT in respect of novelty or inventive step, see the document D3 and the corresponding passages cited in the international search report.

- 4 The document D2 is regarded as being the closest prior art to the subject-matter of claim 6 and shows a hair cutting head, for use in a hair cutting apparatus and having a portion adapted for contacting an area of skin having hair, the head comprising a positionally adjustable frame moveably mounted on the structure and a heat-generating elongate element capable of producing heat sufficient to cut hair, mounted on a frame near the opening.

The subject-matter of claim 6, as far as it can be understood, differs from this known hair cutting apparatus in that the head comprises one or more position adjuster mechanisms juxtaposed between the frame and the structure, wherein the one or more position adjuster mechanisms adjusts the angle of the wire with respect to the plane of the opening. However, the relations of head, frame and structure are not clear, contrary to the requirement of Art. 6 PCT. The subject-matter of said claim 6, as far as it can be understood, is therefore new (Article 33(2) PCT). The same applies to the subject-matter of claim 5.

The technical effect provided thereby is that the position and angle of the wire may be set as desired by a user of the hair cutting apparatus. The problem to be solved by the present invention may be regarded as to adapt a hair cutting apparatus such to provide the technical effect mentioned above. The solution to this problem proposed in claims 5 and 6 of the present application is considered as involving an inventive step (Article 33(3) PCT), as it is not rendered obvious by any teaching in the prior art. The element in D3 is adjustable, but not with regard to an angle with respect to a plane of the opening.

- 5 The combination of features of dependent claims 9 and 12-14 is neither known from, nor rendered obvious by, the available prior art, as there is no indication to modify the respective closest prior art such to arrive at a solution falling within the terms of said claims. However, as the subject-matter of independent claim 1 is already known, the requisite unity of invention (Rule 13.1 PCT) therefore no longer exists inasmuch as a technical relationship involving one or more of the same or corresponding special technical features in the sense of Rule 13.2 PCT does not exist between the subject-

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matter of the following groups of dependent claims: 9, 12 together with 13, and 14.
The invention as specified in the claims is industrially applicable in the production of
hair cutting devices.

CLAIMS

1. A hair cutting head, for use in a hair cutting apparatus and having a portion adapted for contacting an area of skin having hair, the head comprising:
 - 5 a) at least two rows of elongate skin depressing elements, a space between the ends of said elements defining an opening in the structure, said opening being adapted for placement against the skin of a person;
 - b) an elongate element situated in the opening and capable of producing heat sufficient to cut hair, when electrified; and
 - 10 c) a base on which the elements of the head are mounted, wherein long axes of the skin depressing elements are pointed generally toward the center of the opening.
2. A head according to claim 1 wherein the long axes make an angle of less than about 20
 - 15 degrees with a plane defined by the opening.
3. A head according to claim 1 or claim 2 wherein the two or more skin depressing elements are separated by a gap in which the elongate element is located.
- 20 4. A head according to any of claims 1-3 and including: one or more position adjuster mechanisms juxtaposed between the frame and the structure.
5. A head according to claim 4, wherein the one or more adjuster mechanisms adjusts the
 - 25 angle of the wire with respect to the plane of the opening.
6. A hair cutting head, for use in a hair cutting apparatus and having a portion adapted for contacting an area of skin having hair, the head comprising:
 - a) a positionally adjustable frame moveably mounted on the structure;
 - 30 b) a heat-generating elongate element capable of producing heat sufficient to cut hair, mounted on the frame near the opening; and

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- c) one or more position adjuster mechanisms juxtaposed between the frame and the structure, wherein the one or more adjuster mechanisms adjusts the angle of the wire with respect to the plane of the opening.
- 5 7. A head according to any of claims 4-6, wherein the one or more adjuster mechanisms adjust the overall position of the wire with respect to the opening.
8. A head according to any of the preceding claims wherein the elongate element is a wire.
- 10 9. A head according to any of claims 1-8 wherein the head also includes at least two mounting pins suitable for mounting the head in a hair cutting apparatus said pins being electrically connected to said elongate element.
- 15 10. A hair cutting apparatus including:
a head according to any of the preceding claims;
a power source operative to heat the elongate elements to a temperature sufficient to cut hair.
- 20 11. Apparatus according to claim 10, wherein the head also includes at least two mounting pins electrically connected to said elongate element and wherein the apparatus includes matching mounting sockets, electrically connected to said source.
- 25 12. Apparatus according claim 10 or claim 11 and including a housing and also including means for vibrating the elongate element in a direction perpendicular to a long dimension thereof.
13. Apparatus according to claim 12 wherein the means for vibrating is operative to vibrate the head with a motion causing said vibration of the elongate element.
- 30 14. Apparatus according to any of claims 10-13, wherein the apparatus is a hand held apparatus adapted to be pressed against the skin of a user and cut hair on said skin.